

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

John Doe	:	Case No. 2:05-cv-901
944 E. Weber Rd		
Apt. B	:	
Columbus, Ohio 43211		
	:	Judge Smith
Plaintiff,		
	:	
-vs-		
	:	Magistrate Judge Kemp
The Salvation Army, a		
New York corporation,	:	
et al.,		
	:	
Defendants.		

**PLAINTIFF’S APPLICATION/ MOTION TO PROCEED WITHOUT
PREPAYMENT OF FEES (*In Forma Pauperis*) ON APPEAL AND
AFFIDAVIT IN SUPPORT**

Now comes Plaintiff John Doe, through counsel, and respectfully moves this Court for an Order granting his Application to Proceed on Appeal *In Forma Pauperis*.

A Memorandum and Plaintiff’s Affidavit in support of this motion is attached.

Respectfully Submitted,

/s/ Jane P. Perry

Jane P. Perry

Trial Attorney for Plaintiff

Ohio Reg. 0029698

Ohio Legal Rights Service

50 W. Broad St., Suite 1400

Columbus, Ohio 43215

jerry@olrs.state.oh.us

(614) 466-7264

Fax: (614) 644-1888

MEMORANDUM IN SUPPORT

Plaintiff John Doe has filed a Notice of Appeal from the District Court's June 2, 2007 Order granting summary judgment to the Defendants and dismissing Plaintiff's case. Plaintiff now seeks the Court's permission to proceed *in forma pauperis* on appeal.

The granting or denial of a motion to proceed *in forma pauperis* is committed to the sound discretion of this Court. *Hartman v. United States*, 310 F. 2d 447, 448 (6th Cir. 1962).

Plaintiff's appeal is taken in good faith and is not patently frivolous. Plaintiff also is not a vexatious or abusive litigant. This Complaint is the only one he has ever filed, and thus this is his first appeal.

A litigant need not be completely destitute in order to be allowed to proceed *in forma pauperis*. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948). As Plaintiff's Affidavit shows, he is currently not employed; his sole monthly income is a Social Security Disability benefit of \$714.00; he has only about \$400.00 in the bank; his utilities and rent cost him over \$300.00 per month; and he owes monthly loan payments on his car and student loan. Given Plaintiff's very limited financial resources, he would be unable to pay the \$455.00 fee for filing a Notice of Appeal, costs of preparing and filing a brief and Joint Appendix, and other related costs of his appeal.

For these reasons, Plaintiff John Doe respectfully requests that the Court permit him to proceed *in forma pauperis* on appeal.

Respectfully Submitted,

/s/ Jane P. Perry

Jane P. Perry

Trial Attorney for Plaintiff

Ohio Reg. 0029698

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of June, 2007, a true copy of the foregoing Motion to Proceed on *Appeal In Forma Pauperis* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and a copy of this Motion was served upon counsel for Defendants by regular United States mail. Parties may access this filing through the Court's system.

/s/Jane P. Perry

Jane P. Perry (0029698)
Trial Attorney for Plaintiff
jerry@olrs.state.oh.us
Ohio Legal Rights Service
50 West Broad St., Suite 1400
Columbus, Ohio 43215

